

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 2, 4 through 6, 8 through 17, 19, and 20 are pending, with Claims 1, 2, 14, and 17 being independent. Claims 3, 7, and 18 have been cancelled without prejudice. Claims 1, 2, 4 through 6, 10, 11, 14, 15, 17, 19, and 20 have been amended. The specification has been amended.

The drawings were objected to under 37 C.F.R. § 1.84(p)(5) on the grounds that they include reference numeral “2” that is not discussed in the specification. All objections are respectfully traversed, and are submitted to have been obviated by the amendment of the specification to insert reference numeral “2”.

Claims 3, 6, and 20 were objected to on the grounds that in Claim 3, “the boundary” should read --a boundary--; in Claim 6, the units of B should be written out as --nanometers--; and in Claim 20, the units of A and B should be written out as --volts-- and --nanometers--. Also, Claims 3, 4, 6, and 20 were rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. All objections and rejections are respectfully traversed, and are submitted to have been obviated by the amendment of the claims in a manner earnestly believed to avoid the grounds of rejection and objection, including plural changes kindly suggested in the Official Action.

Claims 1 through 10 and 13 through 16 were rejected under 35 U.S.C. § 102(b) over newly-cited JP-A 11-224422 (“JP ‘422”). Claim 6 was rejected under 35 U.S.C. § 103 over JP ‘422. Claims 11 and 12 were rejected under 35 U.S.C. § 103 over JP ‘422 in view of p. 3, lines 1-11 of the subject specification. Claims 17 through 20 were rejected under 35

U.S.C. § 103 over JP '422 in view of US 6,139,713 (Masuda, et al.). All rejections are respectfully traversed.

Claim 1 recites, *inter alia*, that the first area and the second area (the second area including pores arranged in a lattice structure that is a different one of (a), (b), and (c) as claimed), share a plurality of pores at a boundary, and the first area's pore interval is the same as the second area's pore interval.

Claims 2 and 17 recite, *inter alia*, that the first structure and the second structure (that is a different one of (a), (b), and (c) as claimed) have pores in common on a boundary therebetween, and wherein in an area occupied by the first structure and in an area occupied by the second structure, the pore interval is the same.

Claim 14 recites, *inter alia*, that the data area's structure and the servo area (comprising pores arranged in a structure that is a different one of (a), (b), and (c))'s structure have pores in common at a boundary therebetween, and wherein the data area's pore interval is the same as the servo area's pore interval.

However, Applicants respectfully submit that none of JP '422, the relied upon portion of Applicants' specification, and Masuda, et al., even in the proposed combinations, assuming, *arguendo*, that such could be combined, discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 1, 2, 14, and 17.

Applicants further submit that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims

discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/
Daniel S. Glueck
Attorney for Applicants
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200
DSC/gjr

FCIS_WS 3531054v1